

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
\$140,550.00 IN U.S. CURRENCY,)	
)	
RUGER 57, SERIAL NUMBER 642-01174,)	
AND 17 ROUNDS OF AMMUNITION,)	
)	
RUGER P97DC, SERIAL NUMBER)	
66315784, AND 5 ROUNDS OF)	
AMMUNITION,)	
Defendants.)	COMPLAINT IN FORFEITURE

NOW COMES plaintiff, the United States of America, by Michelle M. Baeppler, First Assistant United States Attorney for the Northern District of Ohio, and Henry F. DeBaggis, Assistant U.S. Attorney, and files this Complaint in Forfeiture, respectfully alleging, in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure, as follows:

JURISDICTION AND INTRODUCTION

1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. Section 1345, and over an action for forfeiture under 28 U.S.C. Section 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. Section 881(a)(6) and 18 U.S.C. Section 924(d)(1).

2. This Court has *in rem* jurisdiction over the defendant currency: (i) pursuant to 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) pursuant to 28 U.S.C. Section 1355(b)(1)(B), incorporating 28 U.S.C. Section 1395, because the action accrued in this district. This Court will have control over the defendants currency and firearms through service of an arrest warrant *in rem*, which the Drug Enforcement Administration (DEA) will execute upon the defendants currency and firearms. *See*, Supplemental Rules G(3)(b) and G(3)(c).

3. Venue is proper in this district: (i) pursuant to 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) pursuant to 28 U.S.C. Section 1395 because the action accrued in this district.

4. On January 26, 2022, the defendant \$140,550.00 in U.S. Currency was seized from a blue duffle bag located in the trunk of a 2017 Jaguar automobile registered to B. E. and a Ruger P97DC, Serial Number 66315784 and 5 Rounds of Ammunition was seized from the interior of the vehicle, which was parked in the north parking lot of Beachwood Mall, located at 26300 Cedar Road, Beachwood, Ohio. In addition, a Ruger 57, Serial Number 642-01174 and 17 Rounds of Ammunition were seized from a satchel Davontae Cortez Wells wore across his chest. The defendants currency and firearms are now in the custody of the federal government.

5. Subsequent to the seizure, the Drug Enforcement Administration (DEA) commenced an administrative forfeiture proceeding against the defendants currency and firearms. A claim to the defendant property was submitted by Davontae Cortez Wells in the administrative forfeiture proceeding, thereby requiring the filing of this judicial forfeiture action.

6. The defendant \$140,550.00 in U.S. Currency, the Ruger 57, Serial Number 642-01174, and 17 Rounds of Ammunition, and the Ruger P97DC, Serial Number 66315784, and 5

Rounds of Ammunition are subject to forfeiture to the United States under 21 U.S.C. Section 881(a)(6) in that they constitute proceeds from illegal drug trafficking activities, and/or were used - or were intended to be used - in exchange for illegal controlled substances, and/or were used - or were intended to be used - to facilitate illegal drug trafficking activities, and/or were involved in or used in a knowing violation of 18 U.S.C. Section 922(g).

FORFEITURE

7. On January 26, 2022, at approximately 12:55 p.m., Beachwood Police Department Patrolman Jacob Bertone observed two (2) males exit a 2017 Jaguar automobile, with extremely dark window tint, after it was parked in the north parking lot of Beachwood Mall.

8. After the two (2) males entered the mall, Patrolman Bertone approached the vehicle and looked into the vehicle through the window on the driver's side of the vehicle and he observed a firearm located inside the front passenger door map pocket.

9. After Patrolman Bertone observed the firearm in the vehicle, he contacted K9 Patrolman Anthony Gray to conduct an open-air sniff of the vehicle with K9 Kai.

10. After Patrolman Gray arrived on the scene, he walked Kai around the Jaguar and Kai alerted for the presence of illegal narcotics on the driver's side door of the vehicle.

11. At approximately 2:08 p.m., the two (2) males, later identified as Davontae Cortez Wells and D.M.W., exited Beachwood Mall and they were detained by Beachwood Police officers.

12. A satchel that Davontae Cortez Wells was wearing across his chest was found to contain a loaded Ruger 57 5.7x28 caliber pistol with a 5.7x28 magazine and 17 rounds of 5.7x28mm ammunition.

13. D.M.W. was in possession of \$1,512.00 in U.S. Currency, a pill bottle containing a greyish-white powder, which later tested positive for Fentanyl, and a small clear plastic baggy containing a white powder, which later tested positive for Cocaine Hydrochloride.

14. Beachwood Police placed Davontae Cortez Wells and D.M.W. under arrest and called to have the 2017 Jaguar automobile towed.

15. Prior to having the Jaguar towed, law enforcement performed an inventory search of the vehicle.

16. During the inventory search of the Jaguar, in the passenger side door, law enforcement found a Ruger P97DC .45 caliber pistol with a .45 caliber magazine containing five (5) rounds of .45 ACP ammunition.

17. In the center console of the Jaguar, law enforcement found two (2) large clear plastic baggies containing white powder, which bags later separately tested positive for Cocaine and Fentanyl.

18. In the trunk of the Jaguar, law enforcement found a blue duffle bag containing \$140,550.00 in U.S. Currency.

19. On January 26, 2022, Davontae Cortez Wells was prohibited from possessing a firearm in the State of Ohio because on June 6, 2019, in *State of Ohio v. Davontae Wells*, Case No. CR-18-630123-B, he was convicted of a felony drug offense in the Cuyahoga County Court of Common Pleas, sentenced to 5 years of community control/probation and ordered to forfeit 3 cell phones and a scale.

20. On January 26, 2022, D.M.W. was prohibited from possessing a firearm because on September 29, 2020, in *State of Ohio v. D.W.*, Case No. CR-20-64XXXX-A, he was

convicted of a felony drug offense in the Cuyahoga County Court of Common Pleas and sentenced to prison for 18 months with a discretionary term of post release control.

CONCLUSION

21. By reason of the foregoing, the defendant \$140,550.00 in U.S. Currency, the Ruger 57, Serial Number 642-01174, and 17 Rounds of Ammunition, and the Ruger P97DC, Serial Number 66315784, and 5 Rounds of Ammunition are subject to forfeiture to the United States under 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 924(d)(1) in that they constitute proceeds from illegal drug trafficking activities, and/or were used - or were intended to be used - in exchange for illegal controlled substances, and/or were used - or were intended to be used - to facilitate illegal drug trafficking activities and/or were involved in or used in a knowing violation of 18 U.S.C. Section 922(g).

WHEREFORE, plaintiff, the United States of America, requests that this Court enter judgment condemning the defendant properties and forfeiting them to the United States, and providing that the defendant properties be delivered into the custody of the United States for disposition according to law, and for such other relief as this Court may deem proper.

Respectfully submitted,

Michelle M. Baeppler
First Assistant United States Attorney
Northern District of Ohio

By:

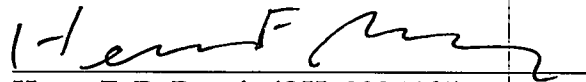


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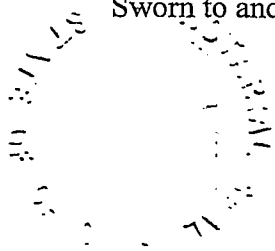
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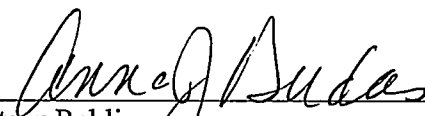
STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, Henry F. DeBaggis, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and the attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.


Henry F. DeBaggis (OH: 0007561)
Assistant United States Attorney

Sworn to and subscribed in my presence this 22nd day of June 2022.




Notary Public



ANNA J DUDAS
Notary Public
State of Ohio
My Comm. Expires
December 5, 2026